

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Iregous Parks Bey,

Case No. 17-cv-1853 (PAM/KMM)

Petitioner,

v.

MEMORANDUM AND ORDER

Tom Watson, Warden,

Respondent.

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Katherine Menendez dated July 17, 2017 (Docket No. 6). In the R&R, Magistrate Judge Menendez recommends summarily dismissing the Petition for a Writ of Mandamus and denying Petitioner’s application to proceed in forma pauperis. Petitioner filed an Objection to the R&R on August 28, 2017 (Docket No. 11).

This Court must review de novo any portion of an R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b). The R&R found that Petitioner’s claim was frivolous because he is not immune from incarceration as a Sheik of the Moorish Science Temple of America, and he cannot challenge in this jurisdiction the validity of the conviction for which he is incarcerated. (R&R at 1-2.) After conducting the required review and for the following reasons, the Court adopts the R&R.

Petitioner claims that he “has never been sentenced or convicted for any crime(s) against the laws of the United States.” (Pet’r’s Obj. (Docket No. 11) at 3.) But in 2006, the United States District Court of the Northern District of Iowa convicted Petitioner of

conspiracy to distribute cocaine, in violation of 21 U.S.C. § 841(a)(1), and possession of a firearm in furtherance of a drug-trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A)(i). United States v. Parks, 1:06-cr-0025-LRR (N.D. Iowa filed Nov. 3, 2006.) He also appears to claim that his incarceration violates the Thirteenth Amendment because his inmate race identification classifies his race as “Black” and he “cannot be held liable for anything committed by the Negro, Colored, or Black race” nor can he be subjected to a judgment “pursuant to the badges of slavery.” (Pet’r’s Obj. at 3-4.) But Petitioner was incarcerated for violating 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 924(c)(1)(A)(i)—not because of his race.

Lastly, Petitioner claims that the R&R erred because he never claimed to be immune from prosecution based on his status as a Sheik of the Moorish Science Temple of America. (Id. at 2.) But in his objection, Petitioner similarly contends that he is immune from prosecution because he is a member of the Moorish Science Temple of America. (Id. at 2-3.) As Magistrate Judge Menendez noted, Petitioner’s membership in the Moorish Science Temple of America does not shield him from prosecution. (R&R at 2 (citing United States v. White, 480 F. App’x 193, 194 (4th Cir. 2012); Freeman v. Bernsen, No. 4:14-cv-336-AGF, 2014 WL 1316249, at *1 (E.D. Mo. Apr. 2, 2014)).)

Because the Court agrees with the R&R that Petitioner’s claim is frivolous, it must be dismissed. See 28 U.S.C. 1915(e)(2)(B)(i).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 6) is **ADOPTED**;
2. The Petition for Writ of Mandamus (Docket No. 1) is **SUMMARILY DISMISSED**; and
3. Petitioner's application to proceed in forma pauperis (Docket No. 2) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: September 7, 2017

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge